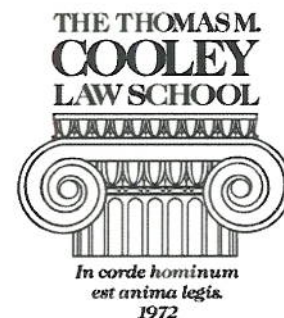


JOHN NUSSBAUMER
PROFESSOR AND ASSOCIATE DEAN, JD PROGRAMS
AUBURN HILLS CAMPUS



November 29, 2010

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2010-18
Proposed Amendment of Rule 6.1 of the Michigan Rules of Professional Conduct

Dear Corbin:

I write in my personal capacity to urge the Supreme Court to adopt proposed Alternative B of Rule 6.1, based on my experience as a former law clerk to Chief Justice Mary S. Coleman, as a recent recipient of the State Bar Champion of Justice Award, and as a legal educator of 25+ years who has worked to help inspire our next generation of lawyers to meet the unmet legal needs of those who lack the funds to pay for essential legal services.

As a former law clerk, I have always admired and respected the Supreme Court's ability as an institution to inspire and lead the profession on important legal issues through the appropriate exercise of its authority. In my judgment, this is one of those opportunities. The lack of basic civil legal services for large numbers of persons of limited means is the single greatest challenge we face as lawyers committed to the principle of equal justice under law.

As a recent recipient of the State Bar Champion of Justice Award, I have seen first-hand through my work in helping provide pro bono legal services how great this need is, and how much more work remains in growing the pool of volunteer lawyers willing to commit their time to this challenge. The status quo is simply unacceptable, and Alternative B is needed to focus the profession on the priority of providing civil legal services to those who cannot afford meaningful access to our legal system.

As a legal educator, I work with students who have the passion to address these issues, but lack the guidance needed about what pro bono actually is and what it means. While there are many valuable ways to engage in community service, our pro bono obligations as lawyers ought to be specifically focused on the most pressing priorities and should be commensurate with our unique position as members of the bar.

Toward this end, Cooley tries to instill in our students an understanding of the importance of pro bono work consistent with Alternative B's priority of providing legal services for those in need. The detailed explanation of this in Alternative B will help our students better learn how to become a part of this professional tradition.

I respect the views expressed by Justices Corrigan, Markman, and Young and agree that we should guard against the politicalization of too much in the profession. That is one reason why I have worked hard to make Cooley's Auburn Hills campus a place where all students feel equally comfortable in expressing their views, regardless of their political beliefs. But I do not believe that Alternative B is intended to or will have any negative politicizing effect because it reflects the long tradition of our diverse profession to volunteer our legal skills to help those in need.

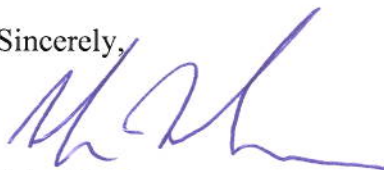
One example is the recent work of the lawyers who represented the Christian Legal Society at the University of California-Hastings to protect the First Amendment rights of CLS members to exclude from their membership gay and lesbian students who did not share CLS's fundamental religious beliefs. Much of the work on this case, which went all the way to the U.S. Supreme Court, was provided pro bono.

Although this was labeled by the media as a "conservative" cause, all of this pro bono work would clearly fall within the letter and the spirit of Alternative B as the "delivery of legal services to groups or organizations seeking to secure or protect . . . civil liberties . . . or . . . religious . . . organizations in matters in furtherance of their organizational purposes." Alternative B, as written, is apolitical and inclusive, as I hope this example illustrates.

I frequently attend swearing-in ceremonies for recent law school graduates, and I am almost always struck by the part of our oath in which we swear never to reject the cause of the defenseless or oppressed for considerations personal to ourselves. What almost always strikes me about this promise is how it is more often honored in the breach. By specifically defining and prioritizing our pro bono obligations, Alternative B would guide and inspire current as well as future lawyers, and for these reasons I respectfully urge the Court to give it serious consideration.

Thank you for the opportunity to comment on this important issue.

Sincerely,



John Nussbaumer
Professor and Associate Dean

JRN/jld